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Skagit County Auditor

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Document Title: Amendment to CCR's

Reference Number: 9811020155

Grantor(s):

1. Nookachamp Hills LLC
- 2.

Grantee(s):

1. Public
- 2.

Abbreviated Legal Description:
Phase 3 & 4 of Nookachamp Hills PUD

Assessor Parcel / Tax ID Number:
P30524, P30525, P30467, P27848

AMENDMENT TO THE DECLARATION AND COVENANTS, CONDITIONS,
RESTRICTIONS, EASEMENTS AND RESERVATIONS
FOR
DIVISION 3 & 4 OF THE NOOKACHAMP HILLS PLANNED UNIT
DEVELOPMENT

Grantor: Nookachamp Hills LLC
Grantee: Homeowners in Nookachamp Hills Planned Unit Development
Division 3 & 4
Tax Parcel Nos.: P30524, P30525, P30467, P27848

Legal Description: See Attached Exhibit A Legal Description

Related Documents: Declaration and Covenants, Conditions, Restrictions, Easements,
and Reservations (CC&R's) filed under Auditors File #9811020155 Dated November 2nd
1998, and amended under Auditor File #200508230083.

Declarant is the owner of certain real property hereinafter described as Division 3 & 4 of
the Nookachamp Hills Planned Unit Development legally described on Exhibit A hereto.

RECITALS

Declarant herein adopts for the benefit of Division 3 & 4 all of the provisions of the
existing aforementioned CC&R's with the following amendments:

A. HEIGHT RESTRICTIONS FOR CERTAIN LOTS

Lots numbered 191, 192, and 194 to 224 inclusive, shall be restricted to a height
of no more than the greater of 20 feet measured from the mean ground elevation
of the four corners of the living area portion of a proposed new structure or 16'
from the final floor level of the main floor level of the structure, whichever is
greater in height. The Declarant reserves the right to perform a topographic
survey on any of the aforementioned lots for the purpose of establishing a
maximum building height that shall become the maximum height. The new
maximum building height shall be recorded by the Declarant by recording with
the Skagit County Auditors office a Memorandum of Maximum Building Height.



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B. MINIMUM SQUARE FOOTAGE OF LIVING AREA

The minimum living area for any residential structure having a single living level shall be 2,000 SF. The minimum living area for a 1 and ½ story or two story home shall be not less than 2,500 SF. All homes shall include a three car garage unless the Architectural Control Committee (ARC) waives the three car garage requirement. Any lot owner that desires a smaller home than the minimum can petition the ARC for a waiver of the minimum square footage requirement if the home owner demonstrates that the quality of the design and finish of the home is of a standard that warrants consideration by the ARC of a smaller total square footage. In no case can the total square footage be reduced by more than 15%.

C. ARCHITECTURAL CONTROL COMMITTEE REVIEW

All home owners who submit drawings for review shall make an initial deposit in the amount \$250.00 to cover the cost of the review. The ARC shall account for it's time spent on each review and will refund up to \$100.00 of the review fee if the time devoted to the review is less than 6 total hours. The billing rate is established at \$25.00 per hour and may be adjusted periodically by the Board of the Nookachamp Hills Home Owners Association. If a review requires more than 10 hours of review time, then the home owner requesting the ARC review shall pay the balance owed prior to receiving final ARC approval. The ARC will not accept incomplete submittals. All submittals shall include a fully engineered site plan prepared by a licensed Civil Engineer who is licensed in the State of Washington.

D. BUILDING PERMITS FOR LOTS ON HUMPY LANE

Building permits for land owners on "Humpy Lane" will not be issued until the "level spreaders" are installed. Construction of "level Spreaders" is anticipated by end of Summer 2008.

DECLARANT:

Nookachamp Hills LLC

A Washington Limited Liability Company

By:



Dan R. Mitzel

Managing Member

Nookachamp Hills LLC



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UNOFFICIAL DOCUMENT

State of Washington)
)ss
County of Skagit)

I certify that I know or have satisfactory evidence that Dan. R. Mitzel is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he is authorized to execute the instrument and acknowledged it as the managing member of Nookachamp Hills LLC, a Washington Limited Liability Company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

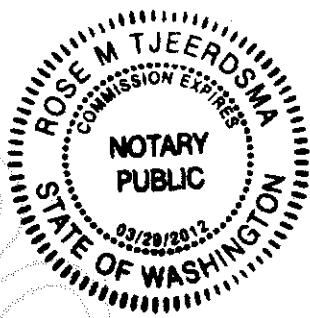
Dated: July 23, 2008

Rose M Tjeerdsma
Notary Public in and for the State of Washington.

Rose M Tjeerdsma
(Notary name to be printed)

Residing at: Burlington

My appointment expires: 3/29/2012



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EXHIBIT "A"

PHASE 3 AND 4:

THOSE PORTIONS OF SECTIONS 25 AND 36, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M., AND SECTIONS 30 AND 31, TOWNSHIP 34 NORTH, RANGE 5 EAST, W.M., SKAGIT COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 25; THENCE NORTH 89 DEGREES 23'49" WEST ALONG THE SOUTH LINE OF SAID SECTION A DISTANCE OF 83.18 FEET TO THE NORTHEASTERLY MARGIN OF STATE HIGHWAY SR9, AS SHOWN ON SHEET 2 OF 3 SHEETS OF WASHINGTON STATE DEPARTMENT OF TRANSPORTATION DRAWING TITLED "SR9 - MP47.22 TO MP 47.78 NORTH BIG LAKE VICINITY", BEARING APPROVAL DATE OF NOVEMBER 14, 1977; THENCE NORTH 24 DEGREES 00'41" WEST ALONG SAID HIGHWAY MARGIN 189.74 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 24 DEGREES 00'41" EAST ALONG SAID HIGHWAY MARGIN A DISTANCE OF 610.58 FEET TO THE NORTH LINE OF THE SOUTH 935 FEET OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 36; THENCE SOUTH 89 DEGREES 06'52" EAST ALONG SAID NORTH LINE 388.53 FEET TO THE EAST LINE OF THE WEST 490 FEET OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE SOUTH 2 DEGREES 01'17" WEST ALONG SAID EAST LINE 360.07 FEET TO THE NORTH LINE OF THE SOUTH 575 FEET OF SAID SUBDIVISION; THENCE SOUTH 89 DEGREES 06'52" EAST ALONG SAID NORTH LINE 297.95 FEET; THENCE SOUTH 0 DEGREES 53'08" WEST 575.00 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 36; THENCE SOUTH 89 DEGREES 06'52" EAST ALONG SAID SOUTH LINE 970.00 FEET TO THE WEST LINE OF THAT CERTAIN TRACT CONVEYED TO THE PUBLIC UTILITY DISTRICT NO. 1 OF SKAGIT COUNTY BY DEED RECORDED UNDER AUDITOR'S FILE NO. 9205120072; THENCE NORTH 0 DEGREES 53'08" EAST ALONG SAID WEST LINE 200.00 FEET TO THE NORTH LINE OF SAID TRACT; THENCE SOUTH 89 DEGREES 06'52" EAST ALONG SAID NORTH LINE 200.00 FEET TO THE EAST LINE OF SAID TRACT; THENCE SOUTH 0 DEGREES 53'08" WEST ALONG SAID EAST LINE 200.00 FEET TO RETURN TO THE SOUTH LINE OF SAID NORTH 1/2 OF THE NORTHEAST 1/4; THENCE SOUTH 89 DEGREES 06'52" EAST ALONG SAID SOUTH LINE 649.40 FEET TO THE SOUTHWEST CORNER OF GOVERNMENT LOT 1 OF SAID SECTION 31; THENCE NORTH 89 DEGREES 40'38" EAST ALONG THE SOUTH LINE OF SAID LOT A DISTANCE OF 1316.76 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 1 DEGREE 43'22" EAST ALONG THE EAST LINE OF SAID LOT A DISTANCE OF 1333.62 FEET TO THE SOUTHEAST CORNER OF GOVERNMENT LOT 4 OF SAID SECTION 30, THENCE NORTH 1 DEGREE 34'34" EAST ALONG THE EAST LINE OF SAID LOT AND THE EAST LINE OF GOVERNMENT LOT 3 OF SAID SECTION 30, A TOTAL DISTANCE OF 1943.81 FEET TO THE NORTH LINE OF THE SOUTH 1/2 OF SAID GOVERNMENT LOT 3; THENCE SOUTH 89 DEGREES 53'45" WEST ALONG SAID NORTH LINE 799.76 FEET; THENCE SOUTH 0 DEGREES 00'00" WEST 614.99 FEET; THENCE SOUTH 90 DEGREES 00'00" WEST 1152.74 FEET; THENCE NORTH 13 DEGREES 51'13" EAST 82.61 FEET; THENCE SOUTH 60 DEGREES 25'56" WEST 2492.41 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT WITH A RADIUS OF 30.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 95 DEGREES 33'23" AN ARC LENGTH OF 50.03 FEET TO RETURN TO THE NORTHEASTERLY MARGIN OF STATE HIGHWAY SR 9 AND THE POINT OF BEGINNING;

EXCEPT THAT PORTION LYING WITHIN THAT PLAT KNOWN AS "NOOKACHAMP HILLS P.U.D., PHASE 1", RECORDED NOVEMBER 2, 1998 UNDER SKAGIT COUNTY UNDER AUDITOR'S FILE NO.9811020154.



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AND EXCEPT ANY PORTION LYING WITHIN PROPOSED PHASE 2A AND PHASE 2B OF
"NOOKACHAMP HILLS P.U.D.";

AND ALSO EXCEPT THE FOLLOWING DESCRIBED PARCEL:

THAT PORTION OF THE SOUTH 1/2 OF GOVERNMENT LOT 3, SECTION 30, TOWNSHIP 34
NORTH, RANGE 5 EAST, W.M., DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTH 1/2 OF GOVERNMENT LOT 3;
THENCE NORTH 89 DEGREES 53'45" EAST ALONG THE NORTH LINE THEREOF, A
DISTANCE OF 520.00 FEET TO THE TRUE POINT OF THE BEGINNING; THENCE SOUTH 0
DEGREES 00'00" WEST A DISTANCE OF 614.99 FEET; THENCE NORTH 89 DEGREES 53'45"
EAST, PARALLEL WITH THE NORTH LINE OF SAID SOUTH 1/2 OF GOVERNMENT LOT 3, A
DISTANCE OF 783.00 FEET, MORE OR LESS, TO THE EAST LINE OF SAID GOVERNMENT
LOT 3; THENCE NORTH 1 DEGREE 34'34" EAST ALONG SAID EAST LINE, A DISTANCE OF
615.00 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID SOUTH 1/2; THENCE
SOUTH 89 DEGREES 53;45: WEST, ALONG SAID LINE, A DISTANCE OF 799.76 FEET, MORE OR
LESS, TO THE TRUE POINT OF BEGINNING;

AND ALSO EXCEPT ROADS.



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